

Gravatt, Dan

From: Asher, Audrey
Sent: Wednesday, February 27, 2013 12:46 PM
To: Gravatt, Dan
Subject: question
Attachments: 1297_001.pdf

Do you know or if not, who can we ask?

From: Merrigan, Jessie (LG) [mailto:JMerrigan@LATHROPGAGE.COM]
Sent: Wednesday, February 27, 2013 12:08 PM
To: Asher, Audrey
Cc: Gravatt, Dan; Cunningham, Ally (LG); Beck, Bill (LG)
Subject: RE: List of documents

Thank you, Audrey, this is very helpful. We will coordinate with Emily regarding review of documents.

One follow up question. The index you provided includes a 1991 NPL Listing package. But the attached document from MDNR references an NPL assessment / HRS scoring performed earlier than that. Would that preliminary or initial scoring evaluation be part of the eventual 1991 package or should it be somewhere else on the file list?

Thank you,
Jessie

**LATHROP
& GAGE** LLP

Jessica E. Merrigan

2345 Grand Boulevard; Suite 2200 | Kansas City, MO 64108
P: 816-460-5706 | F: 816-292-2001 | jmerrigan@lathropgage.com
www.lathropgage.com

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From: Asher, Audrey [mailto:Asher.Audrey@epa.gov]
Sent: Wednesday, February 27, 2013 9:50 AM
To: Merrigan, Jessie
Cc: Gravatt, Dan
Subject: List of documents

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Superfund

Hello Jessie,

Per your request, here is a list of non-confidential documents in the West Lake site file that precede 2008.

Audrey B. Asher

Senior Counsel

United States Environmental Protection Agency – Region VII

11201 Renner Blvd.

Lenexa, KS 66219

Phone: (913) 551-7255

Fax: (913) 551-7925

E-Mail: asher.audrey@epa.gov

JOHN ASHCROFT
Governor
G. TRACY MEHAN, III
~~FREDERICKSON~~
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

St. Louis Co.
Ken Conner
Westlake Landfill
Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation,
and Historic Preservation

MEMORANDUM

RECEIVED
JAN 19 1989

Date: January 18, 1989

To: Bill Ford, Director, DEQ

From: David Bedan, Radioactive Waste Cleanup Coordinator

Subject: Westlake Landfill Site Meeting on January 4, 1989

WASTE MANAGEMENT
PROGRAM

David Bedan

I met with WMP staff, Peter Price of DGLS and Andy Byers of the legal office regarding the status of Westlake Landfill and to discuss the issues in my memo of December 5, 1988. (Attached; also see attached agenda)

1) Owner/operator issue

The solid waste permit may be invalid if Westlake Landfill, Inc. has been dissolved. Also the transfer of ownership of the areas on the registry of uncontrolled hazardous wastes may have violated the state hazardous waste law. The WMP has sent two letters to Westlake and Laidlaw requesting clarification of the owner/operator issue. No reply has been received to the second letter yet. ACTION: If a satisfactory response is not received within two weeks WMP will ask Westlake and Laidlaw to come in and meet on this issue (mid Feb).

2) Groundwater Monitoring Issue

Laidlaw/Rock Road Ind. is willing to proceed with the perimeter monitoring program (except radionuclides) but they need approval from MDNR. ACTION: WMP will complete a review of the groundwater monitoring proposal within two months.

3) NPL Issue

EPA has stated that their preliminary HRS score for the site was only 23.1 (28.5 is necessary for listing on the NPL). ACTION: WMP will check on EPA scoring documentation and also compare to scoring for the SLAPS and Latty Ave. sites.

4) NRC Enforcement Authority Issue

The radioactive material was taken to Westlake in 1973 when it was under NRC license. NRC claims that their enforcement authority was only valid for five years. In spite of this NRC has done several studies at the site (including an unpublished UMC study), thus giving the impression that NRC will take some kind of action. ACTION: I will pursue the issue with NRC to obtain a definitive written statement on their enforcement authority.

5) DOE Remedial Action Authority

The DOE claims that they have no authority to perform remedial action at the site unless specifically directed to do so by Congress because the site does not meet the criteria for any of DOE's current remedial action programs. ACTION: DNR should contact the Missouri Congressional staff to bring the issue to their attention. I presume that these contacts should be made by the DNR Director's Office.

6) Westlake as a Site for Other Radwaste

Laidlaw and Rock Road Industries have suggested that the other St. Louis area radwaste be consolidated at Westlake Landfill. DNR staff believes that this would be difficult unless sufficient non-alluvium property is available. ACTION: Inform Laidlaw/Rock Road at the February meeting.

7) Proposal for Demolition Fill and Cap over Radwaste Areas

Laidlaw and Rock Road Industries have proposed to continue the demolition fill over the radwaste area and place a "RCRA-type" cap over it. DNR staff believes that this is not acceptable as a final remedial action because the underlying alluvial aquifer would not be sufficiently protected. Since the authority for remedial action has not been clearly defined and the type of required remedial action can not be predicted, any activity that might interfere with future remedial action should be discouraged or prohibited. ACTION: Inform Laidlaw/Rock Road at the February meeting.

Attachments

cc: Kucera
DeRoos
Byers
DiPasquale
Williams